

**CITY OF ALAMEDA PLANNING BOARD  
DRAFT RESOLUTION**

DECLARING A STATEMENT OF COMPLIANCE UNDER PERIODIC REVIEW FOR DEVELOPMENT AGREEMENT, DA-89-1, FOR THE PERIOD APRIL 5, 2018 THROUGH APRIL 4, 2019

WHEREAS, Harbor Bay Village Four Associates (HBV4), Harbor Bay Village Five Associates (HBV5) and Harbor Bay Isle Associates (HBIA) have initiated a Periodic Review of a Development Agreement between the City of Alameda and said Harbor Bay Entities, as required under Zoning Ordinance Section 30-95.1; and

WHEREAS, the Planning Board held a public hearing on this request February 11, 2019, and examined pertinent documents.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board finds that the Harbor Bay Entities has complied with the terms and conditions of the Development Agreement, DA-89-1, through the April 4, 2019 review period, as summarized in the Annual Report submitted by the Harbor Bay Entities and has demonstrated a continuing good faith effort to implement the terms and conditions as set forth in the Development Agreement, DA-89-1; and

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby declares that Harbor Bay Entities is in compliance with the terms and conditions of Development Agreement, DA-89-1, through April 4, 2019; and

BE IT FURTHER RESOLVED, that in accordance with Government Code section 65402(a), the Planning Board finds that the location, purpose and use of various parcels of property to be dedicated from HBIA to the City of Alameda, including Parcel 4 for open space use and any remnant parcels within existing public streets for access to adjacent parcels is in conformance with the Alameda General Plan.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision or decision on any appeal plus extensions authorized by California Code of Civil Procedure Section 1094.6.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Community Development Department a written notice of appeal stating the basis of appeal and paying the required fees.